



OFFICE OF THE
REGISTER OF COPYRIGHTS

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WASHINGTON, D. C. 20540

March 6, 1969

*File Publications
(discuss we get more
requests for approval
of dramatic performances)*

Walter L. Pforzheimer, Esq.
2500 Virginia Avenue, N.W.
Washington, D. C. 20037

Dear Walter:

In accordance with our recent telephone conversation I enclose copies of Copyright Office Circular 1 (the blue item). The matter of common law literary property is discussed on page 4.

Also enclosed are copies of our application Form D; you will note on page 4 thereof that dramatic performance is generally not regarded as publication in the copyright sense. In addition, I send along copies of the Regulations of the Copyright Office and other printed matter of possible interest.

If I may be of further help, please let me know.

Sincerely yours,

Waldo

Waldo H. Moore
Chief, Reference Division

Enclosures:

Circulars 1, 91/2, 96 (2 each)
3 Forms D

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WASHINGTON, D.C. 20540

SECTION 2
of
Title 17, U.S. Code

RIGHTS OF AUTHOR OR PROPRIETOR OF UNPUBLISHED WORK.—
Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

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FORM D

Application for Registration of a Claim to Copyright in a dramatic or dramatico-musical composition

CLASS	REGISTRATION NO.
D	
DO NOT WRITE HERE	
DF	DFO DP DU

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be **SIGNED** at line 9. For published works the application should not be submitted until after the date of publication given in line 4 (a), and should state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies.

Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C., 20540, together with:

(a) If unpublished, one complete copy of the work and the registration fee of \$6.

(b) If published, two copies of the best edition of the work and the registration fee of \$6.

Make your remittance payable to the Register of Copyrights.

1. Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). In the case of published works the name(s) should ordinarily be the same as in the notice of copyright on the copies deposited.

Name -----

Address -----

Name -----

Address -----

2. Title: -----
(Give the title of the dramatic or dramatico-musical composition as it appears on the copies)

3. Authors: Citizenship and domicile information must be given. Where a work is made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A.

Authors may be editors, translators, etc., as well as authors of original dramatic material. If the copyright claim is based on new matter (see line 5) give information about the author of the new matter.

Name ----- (Give legal name followed by pseudonym if latter appears on the copies) Citizenship ----- (Name of country)

Domiciled in U. S. A. ☐ Yes ☐ No Address -----

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➡ **NOTE:** Leave all spaces of line 4 blank unless your work has been **PUBLISHED**. ⬅

4. (a) Date of Publication: Give the date when copies of this particular version of the work were first placed on sale, sold, or publicly distributed. The date when copies were made

or printed, or the date when the work was performed should not be confused with the date of publication. (NOTE: The full date (month, day, and year) must be given.)

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or if a substantial part of the work was previously published anywhere, give requested information.

Was work previously registered? Yes ----- No ----- Date of registration ----- Registration number -----

Was work previously published? Yes ----- No ----- Date of publication ----- Registration number -----

Is there any substantial **NEW MATTER** in this version? Yes ----- No ----- If your answer is "Yes," give a brief general statement of the nature of the **NEW MATTER** in this version. (New matter may consist of translation, dramatization, editorial revision, and the like, as well as additional text or musical material.)

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Complete all applicable spaces on next page

EXAMINER
11 '9

6. If registration fee is to be charged ~~from~~ deposit account established in the Copyright Office, give name of account:
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7. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name _____ Address _____

8. Send certificate to:

(Type or
print Name
name and
address) Address

(Number and street)		
(City)	(State)	(ZIP code)

9. **Certification:** (NOTE: Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.



(Signature of copyright claimant or duly authorized agent)

Application Forms

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United States of America.

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America and which was not first published in the United States of America.

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Register of Copyrights
United States of America

1. Copyright Claimant(s) and Address(es):

Name -----

Address -----

Name -----

Address -----

2. Title: -----
(Title of dramatic or dramatico-musical composition)

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Domiciled in U. S. A. ☐ Yes ☐ No Address -----

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EXAMINER

7. Send correspondence to:

Name _____ Address _____

8. Send certificate to:

(Type or
print Name
name and
address) Address

(Number and street)		
_____	_____	_____
(City)	(State)	(ZIP code)

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What Is a "Dramatic Composition" or "Dramatico-Musical Composition"? This category (Class D) covers the acting versions of dramatic works such as plays, radio or television dramas, musical comedies, motion picture shooting scripts, operas, choreographic works of a dramatic character, pantomimes, and the like. For registration in Class D a work must be more than a story or synopsis that is potentially capable of being dramatized. It should tell its story by means of dialogue and dramatic action rather than through narrative or descriptive material, and it should be complete enough for dramatic performance in its present form.

Unpublished "Books" Not Registrable. Stories, scenarios, and narrative outlines are considered "books," and cannot be registered for copyright in unpublished form.

No "Blanket" Copyright. The general idea, outline, or title for a play or dramatic series cannot be copyrighted. Registration for a script covers the copyrightable material in that script, but does not give any sort of "blanket" protection to future scripts or to a series as a whole.

Duration of Copyright. Statutory copyright begins on the date the work was first published, or if the work was registered for copyright in unpublished form, copyright begins on the date of registration. In either case copyright lasts for 28 years, and may be renewed for a second 28-year term.

Unpublished dramatic compositions

How To Register a Claim. To obtain copyright registration, mail to the Register of Copyrights, Library of Congress, Washington, D.C., 20540, one complete copy of the dramatic work, an application on Form D, properly completed and signed, and a fee of \$6. Manuscripts are not returned, so do not send your only copy.

Procedure To Follow if Work Is Later Published. If the work is later reproduced in copies and published, it is necessary to make a second registration, following the procedure outlined below. To maintain copyright protection, all copies of the published edition must contain a copyright notice in the required form and position.

Published dramatic compositions

What Is "Publication"? Publication, generally, means the sale, placing on sale, or public distribution of copies. Dramatic performance is not generally regarded as "publication."

How To Secure Copyright in a Published Dramatic Composition:

1. Produce copies with copyright notice, by printing or other means of reproduction.
2. Publish the work.
3. Register the copyright claim, following the instructions on page 1 of this form.

The Copyright Notice. In order to secure and maintain copyright protection in a published work, it is essential that all copies published in the United States contain the statutory copyright notice. This notice shall appear on the title page or verso thereof, and shall consist of three elements:

1. The word "Copyright," the abbreviation "Copr.," or the symbol ©. Use of the symbol © may result in securing copyright in countries which are members of the Universal Copyright Convention.

2. The year date of publication. This is ordinarily the date when copies were first placed on sale, sold, or publicly distributed. However, if the work has been registered for copyright in unpublished form, the notice should contain the year of registration; or, if there is new copyrightable matter in the published edition, it is advisable to include both dates.

3. The name of the copyright owner (or owners).

Example: © John Doe 1966.

NOTE: If copies are published without the required notice, the right to secure copyright is lost and cannot be restored.

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One copy received	
Two copies received	
Fee received	

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Name -----

Address -----

Name -----

Address -----

2. Title: -----
(Give the title of the dramatic or dramatico-musical composition as it appears on the copies)

3. Authors: Citizenship and domicile information must be given. Where a work is made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A.

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Name ----- (Give legal name followed by pseudonym if latter appears on the copies) Citizenship ----- (Name of country)

Domiciled in U. S. A. ☐ Yes ☐ No Address -----

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6. Deposit account:

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7. Send correspondence to:

Name _____ Address _____

8. Send certificate to:

(Type or
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name and
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Class L or M { Form L-M—Motion picture.

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

FOR COPYRIGHT OFFICE USE ONLY

Application received

One copy received

Two copies received

Fee received

Renewal

Approved For Release 2006/01/17 : CIA-RDP80B01495R001100030015-4

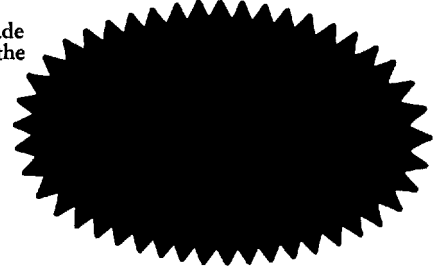
FORM D

Certificate

Registration of a Claim to Copyright in a dramatic or dramatico-musical composition

CLASS D	REGISTRATION NO.
DO NOT WRITE HERE	

This Is To Certify that the statements set forth on this certificate have been made a part of the records of the Copyright Office. In witness whereof the seal of the Copyright Office is hereto affixed.



Register of Copyrights
United States of America

1. Copyright Claimant(s) and Address(es):

Name -----

Address -----

Name -----

Address -----

2. Title: -----
(Title of dramatic or dramatico-musical composition)

3. Authors:

Name ----- (Legal name followed by pseudonym if latter appears on the copies) Citizenship ----- (Name of country)

Domiciled in U. S. A. ☐ Yes ☐ No Address -----

Name ----- (Legal name followed by pseudonym if latter appears on the copies) Citizenship ----- (Name of country)

Domiciled in U. S. A. ☐ Yes ☐ No Address -----

Name ----- (Legal name followed by pseudonym if latter appears on the copies) Citizenship ----- (Name of country)

Domiciled in U. S. A. ☐ Yes ☐ No Address -----

4. (a) Date of Publication:

(Month) (Day) (Year)

(b) Place of Publication:

(Name of country)

5. Previous Registration or Publication:

Was work previously registered? Yes ----- No ----- Date of registration ----- Registration number -----

Was work previously published? Yes ----- No ----- Date of publication ----- Registration number -----

Is there any substantial **NEW MATTER** in this version? Yes ----- No ----- If your answer is "Yes," give a brief general statement of the nature of the **NEW MATTER** in this version.

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Complete all applicable spaces on next page

EXAMINER

6. Deposit account:

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7. Send correspondence to:

Name _____ Address _____

8. Send certificate to:

(Type or
print Name
name and
address) Address

(Number and street)		
_____	_____	_____
(City)	(State)	(ZIP code)

Information concerning copyright in dramatic or dramatico-musical compositions

When To Use Form D. Form D is appropriate for unpublished and published dramatic compositions and dramatico-musical compositions.

What Is a "Dramatic Composition" or "Dramatico-Musical Composition"? This category (Class D) covers the acting versions of dramatic works such as plays, radio or television dramas, musical comedies, motion picture shooting scripts, operas, choreographic works of a dramatic character, pantomimes, and the like. For registration in Class D a work must be more than a story or synopsis that is potentially capable of being dramatized. It should tell its story by means of dialogue and dramatic action rather than through narrative or descriptive material, and it should be complete enough for dramatic performance in its present form.

Unpublished "Books" Not Registrable. Stories, scenarios, and narrative outlines are considered "books," and cannot be registered for copyright in unpublished form.

No "Blanket" Copyright. The general idea, outline, or title for a play or dramatic series cannot be copyrighted. Registration for a script covers the copyrightable material in that script, but does not give any sort of "blanket" protection to future scripts or to a series as a whole.

Duration of Copyright. Statutory copyright begins on the date the work was first published, or if the work was registered for copyright in unpublished form, copyright begins on the date of registration. In either case copyright lasts for 28 years, and may be renewed for a second 28-year term.

Unpublished dramatic compositions

How To Register a Claim. To obtain copyright registration, mail to the Register of Copyrights, Library of Congress, Washington, D.C., 20540, one complete copy of the dramatic work, an application on Form D, properly completed and signed, and a fee of \$6. Manuscripts are not returned, so do not send your only copy.

Procedure To Follow if Work Is Later Published. If the work is later reproduced in copies and published, it is necessary to make a second registration, following the procedure outlined below. To maintain copyright protection, all copies of the published edition must contain a copyright notice in the required form and position.

Published dramatic compositions

What Is "Publication"? Publication, generally, means the sale, placing on sale, or public distribution of copies. Dramatic performance is not generally regarded as "publication."

How To Secure Copyright in a Published Dramatic Composition:

1. **Produce copies with copyright notice**, by printing or other means of reproduction.
2. **Publish the work.**
3. **Register the copyright claim**, following the instructions on page 1 of this form.

The Copyright Notice. In order to secure and maintain copyright protection in a published work, it is essential that all copies published in the United States contain the statutory copyright notice. This notice shall appear on the title page or verso thereof, and shall consist of three elements:

1. **The word "Copyright," the abbreviation "Copr.," or the symbol ©.** Use of the symbol © may result in securing copyright in countries which are members of the Universal Copyright Convention.

2. **The year date of publication.** This is ordinarily the date when copies were first placed on sale, sold, or publicly distributed. However, if the work has been registered for copyright in unpublished form, the notice should contain the year of registration; or, if there is new copyrightable matter in the published edition, it is advisable to include both dates.

3. **The name of the copyright owner (or owners).**

Example: © John Doe 1966.

NOTE: If copies are published without the required notice, the right to secure copyright is lost and cannot be restored.

FOR COPYRIGHT OFFICE USE ONLY

Application received

One copy received

Two copies received

Fee received

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SE 100

Regulations
of the
Copyright Office



Copyright Office
Library of Congress
Washington, D.C.

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Regulations of the Copyright Office ¹

As amended through July 4, 1967

PART 201—GENERAL PROVISIONS

Sec.

- 201.1 Communications with the Copyright Office.
- 201.2 Information given by the Copyright Office.
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- 201.4 Assignments of copyright and other papers.
- 201.5 Amendments to completed Copyright Office registrations and other records.
- 201.6 Payment and refund of Copyright Office fees.
- 201.7 Preparation of catalog card.
- 201.8 Import statements.

AUTHORITY: §§ 201.1 to 201.8 issued under sec. 207, 61 Stat. 666; 17 U.S.C. 207.

§ 201.1 *Communications with the Copyright Office.*

Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington, D.C. 20540.

§ 201.2 *Information given by the Copyright Office.*

(a) *In general.* (1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions or advice on such matters as:

- (i) The validity or status of any copyright other than the facts shown in the records of the Office;
- (ii) The rights of persons, whether in connection with cases of alleged copyright infringement, contracts between authors and publishers or other matters of a similar nature;
- (iii) The scope and extent of protection of works in foreign countries or interpretation of foreign copyright laws or court opinions;

¹ *Code of Federal Regulations*, Title 37, Chapter II (*Federal Register*, volume 24, page 4955, June 18, 1959). Section 201.3 as amended, *Federal Register*, volume 31, page 6118, April 21, 1966. Section 201.2 as amended, *Federal Register*, volume 32, pages 9314-9315, June 30, 1967.

(iv) The sufficiency, extent or scope of compliance with the copyright law.

(2) In addition, the Office cannot undertake to furnish the names of copyright attorneys, publishers, agents, or other similar information.

(b) *Inspection and copying of records.* (1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies deposited in connection with a completed copyright registration, may be undertaken at such times as will not result in interference with or delay in the work of the Copyright Office.

(2) The copying from the Copyright Office records of names and addresses for the purpose of compiling mailing lists and other similar uses is expressly prohibited.

(3) The Copyright Office maintains an administrative staff manual referred to as its "Compendium of Office Practices," and an index to the manual, for the general guidance of its staff in making registrations and recording documents. The manual and index, as amended and supplemented from time to time, are available in the Copyright Office for public inspection and copying.

(c) *Correspondence.* (1) Official correspondence, including preliminary applications, between copyright claimants or their agents and the Copyright Office, and directly relating to a completed registration or to a recorded document, is made available for public inspection. Requests for photocopies of the correspondence shall be made pursuant to paragraph (d) of this section.

(2) (i) Correspondence, application forms and any accompanying material forming a part of a pending or rejected application are not records which are open to public inspection under paragraph (b) of this section.

(ii) Inspection of such files may be afforded upon presentation of written authorization of the claimant or his agent, or upon submission to the Register of Copyrights, Library of Congress, Washington, D.C. 20540, of a written request which is deemed by him to show good cause for such access and which establishes that the person making the request is one properly and directly concerned.

(iii) Where such access is authorized and photocopies of the official file are subsequently requested, the conditions and procedures of paragraph (d) of this section are controlling.

(3) Correspondence, memoranda, reports, opinions, and similar material relating to internal matters of personnel and procedures, office administration, security matters, and internal consideration of policy and decisional matters, including the work product of an attorney, are not open to public inspection.

(4) The Copyright Office will return unanswered any abusive or scurrilous correspondence.

(d) *Requests for copies.* (1) Requests for additional certificates of registration should be sent to the Copyright Office, and the accompanying fees should be made payable to the Register of Copyrights.

(2) Requests for photocopies of copyright deposits, official correspondence, and Copyright Office records (other than additional certificates of registration) should be sent to the Chief, Photoduplication Service, Library of Congress, Washington, D.C. 20540, the accompanying fees in payment of such services being made payable to that official. When the photocopy is to be certified by the Copyright Office, the additional certification fee should be made payable to the Register of Copyrights and both remittances together with the transmittal letter are to be sent to the Copyright Office.

(3) Requests for photocopies of official correspondence shall identify the specific material desired and shall contain a statement enabling the Copyright Office to determine if the writer is properly and directly concerned.

(4) Requests for photocopies of copyright deposits will be granted when one or more of the following conditions are fulfilled:

(i) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(ii) *Request by attorney.* When required in connection with litigation, actual or prospective, in which the copyrighted work is involved; but in all such cases the attorney representing the actual or prospective plaintiff or defendant for whom the request is made shall give in writing: (a) The names of the parties and the nature of the controversy; (b) the name of the court where the action is pending, or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and (c) satisfactory assurances that the requested copy will be used only in connection with the specified litigation.

(iii) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

§ 201.3 Catalog of Copyright Entries.

The subscription price for all parts of the complete yearly Catalog of Copyright Entries, effective with Volume 20, is \$50.00. Each

part of the Catalog is published in two semiannual numbers covering, respectively, the periods January-June and July-December. The prices given in the list below are for each semi-annual number; the price of an annual subscription to any part is twice the price of the semiannual number. The entire annual Catalog or any of its parts may be obtained, upon payment of the established price, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1—Books and Pamphlets Including Serials and Contributions to Periodicals, \$7.50.

Part 2—Periodicals, \$2.50.

Parts 3-4—Dramas and Works Prepared for Oral Delivery, \$2.50.

Part 5—Music, \$7.50.

Part 6—Maps and Atlases, \$2.50.

Parts 7-11A—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, \$2.50.

Part 11B—Commercial Prints and Labels, \$2.50.

Parts 12-13—Motion Pictures and Filmstrips, \$2.50.

§ 201.4 *Assignments of copyright and other papers.*

Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, agreements between authors and publishers covering a particular work or works and the rights thereto, mortgages, certificates of change of corporate title, wills, and decrees of distribution. The original, signed instrument should be submitted for recordation, and is returned to the sender with a certificate of record. Where the original instrument is not available, a certified or other copy may be submitted, but it shall be accompanied by a statement that the original is not available.

§ 201.5 *Amendments to completed Copyright Office registrations and other records.*

(a) *No cancellations.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making

such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

(b) *Correction by new registration.* In exceptional cases, where an applicant desires to correct, amend or amplify a registration previously made in accordance with information furnished by a claimant or his agent, a new application indicating its amendatory purpose shall be filed, accompanied by the statutory fee and the same number of copies required for a new application. Where it is satisfactorily established that copies of the original work cannot be obtained for submission, photocopies or microfilm copies of the original may be submitted.

§ 201.6 Payment and refund of Copyright Office fees.

(a) *In general.* All fees sent to the Copyright Office should be in the form of a money order, check or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries should be in the form of an International Money Order or Bank Draft payable and immediately negotiable in the United States for the full amount of the fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may be refunded in postage stamps. All larger amounts will be refunded by check.

(d) *Return of deposit copies.* Copies of works deposited in the Copyright Office pursuant to law are either retained in the Copyright Office, transferred for the permanent collections or other

uses of the Library of Congress, or disposed of according to law. When an application is rejected, the Copyright Office reserves the right to retain the deposited copies.

§ 201.7 *Preparation of catalog card.*

The catalog card which may accompany a work of foreign origin, as provided in section 215 of title 17, U.S. Code, as amended, may be a catalog card supplied by a library in the country of publication. In lieu of such a card the applicant may prepare his own card, or may fill out the form supplied by the Copyright Office. The catalog card should contain the full name of the author of the original work, title and description from the title page, paging, copyright claimant, the city and year of publication, and the names of all other authors, editors, etc., whom the applicant considers of sufficient importance to record. When available, the year of birth of each author named should be given. If the form furnished by the Office is not used, the size of the card should preferably be 5 inches wide by 3 inches deep or 12.5 centimeters wide by 7.5 centimeters deep. The Register of Copyrights reserves the right to accept catalog cards not complying with the above requirements.

§ 201.8 *Import statements.*

(a) The Copyright Office will issue import statements for books and periodicals first published abroad in the English language which are to be imported under the provisions of section 16 of title 17, U.S. Code, as amended. A statement for the importation of 1,500 copies will be issued to the person named in the application for ad interim copyright registration. The holder of this statement shall present it to the customs officer in charge of the port of entry. Upon receipt of a statement from the customs officer, showing importation of less than 1,500 copies, a new statement will be issued for the balance.

(b) The provisions in the Customs Regulations covering the use of the import statement (Copyright Office Form C-100) are found in 19 CFR 11.21 (21 F.R. 2517).

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Sec.

- 202.1 Material not subject to copyright.
- 202.2 Copyright notice.
- 202.3 Application forms.

- 202.4 Books (Class A).
- 202.5 Periodicals (Class B).
- 202.6 Lectures or similar productions prepared for oral delivery (Class C).
- 202.7 Dramatic and dramatico-musical compositions (Class D).
- 202.8 Musical compositions (Class E).
- 202.9 Maps (Class F).
- 202.10 Works of art (Class G).
- 202.11 Reproductions of works of art (Class H).
- 202.12 Drawings or plastic works of a scientific or technical character (Class I).
- 202.13 Photographs (Class J).
- 202.14 Prints, pictorial illustrations and commercial prints or labels (Class K).
- 202.15 Motion pictures (Classes L-M).
- 202.16 Deposit of photographs or other identifying reproductions in lieu of copies.
- 202.17 Renewals.
- 202.18 Notices of use.

AUTHORITY: §§ 202.1 to 202.18 issued under sec. 207, 61 Stat. 666; 17 U.S.C. 207.

§ 202.1 Material not subject to copyright.

The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

- (a) Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering or coloring; mere listing of ingredients or contents;
- (b) Ideas, plans, methods, systems, or devices, as distinguished from the particular manner in which they are expressed or described in a writing;
- (c) Works designed for recording information which do not in themselves convey information, such as time cards, graph paper, account books, diaries, bank checks, score cards, address books, report forms, order forms and the like;
- (d) Works consisting entirely of information that is common property containing no original authorship, such as, for example: Standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

§ 202.2 Copyright notice.

- (a) *General.* (1) With respect to a published work, copyright is secured, or the right to secure it is lost, at the date of publication,

i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time.

(2) If publication occurs by distribution of copies or in some other manner, without the statutory notice or with an inadequate notice, the right to secure copyright is lost. In such cases, copyright cannot be secured by adding the notice to copies distributed at a later date.

(3) Works first published abroad, other than works eligible for ad interim registration, must bear an adequate copyright notice at the time of their first publication in order to secure copyright under the law of the United States.

(b) *Defects in notice.* Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i.e., the word "Copyright", the abbreviation "Copr.", or the symbol ©; the name of the copyright proprietor; or, when required, the year date of publication);

(2) The elements of the notice are dispersed;

(3) The notice is not in one of the positions prescribed by law;

(4) The notice is in a foreign language;

(5) The name in the notice is that of someone who had no authority to secure copyright in his name;

(6) The year date in the copyright notice is later than the date of the year in which copyright was actually secured, including the following cases:

(i) Where the year date in the notice is later than the date of actual publication;

(ii) Where copyright was first secured by registration of a work in unpublished form, and copies of the same work as later published without change in substance bear a copyright notice containing a year date later than the year of unpublished registration;

(iii) Where a book or periodical published abroad, for which ad interim copyright has been obtained, is later published in the United States without change in substance and contains a year date in the copyright notice later than the year of first publication abroad: *Provided, however,* That in each of the three foregoing types of cases, if the copyright was actually secured not more than one year earlier than the year date in the notice, registration may be considered as a doubtful case.

(7) A notice is permanently covered so that it cannot be seen without tearing the work apart;

(8) A notice is illegible or so small that it cannot be read without the aid of a magnifying glass: *Provided, however,* That where the work itself requires magnification for its ordinary use (e.g., a microfilm, microcard or motion picture) a notice which will be readable when so magnified, will not constitute a reason for rejection of the claim;

(9) A notice is on a detachable tag and will eventually be detached and discarded when the work is put in use;

(10) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put in use;

(11) The notice is restricted or limited exclusively to an uncopyrightable element, either by virtue of its position on the work, by the use of asterisks, or by other means.

§ 202.3 *Application forms.*

(a) *In general.* Section 5 of title 17 of the U.S. Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.4 to 202.15 inclusive, for the purpose of assisting persons who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright.* (1) All works deposited for registration shall be accompanied by a "claim of copyright" in the form of a properly executed application, together with the statutory registration fee. The Office reserves the right to refuse to accept any application that is a carbon copy, illegible, defaced, or otherwise not in an acceptable condition for examination and recording.

(2) Where these separate elements are not received simultaneously, the Copyright Office holds the submitted elements for a reasonable time and, in default of the receipt of the missing element or elements after a request made therefor, the submitted item or items may be returned to the sender. Such action does not constitute a waiver of the right of the Register of Copyrights pursuant to section 14, title 17, U.S. Code, to demand compliance with the deposit provisions of that title.

(3) Applications for copyright registration covering published works should reflect the facts existing at the time of first publication, and should not include information concerning changes that have occurred between the time of publication and registration.

REGULATIONS OF THE COPYRIGHT OFFICE

The name given as copyright claimant in the application should agree with the name appearing in the copyright notice.

(4) Applications should be submitted by the copyright claimant, or by someone acting under his authority.

(5) All information requested by the Copyright Office application form should be given in the appropriate spaces provided. There should not be attached to the application any slips of paper or extra pages containing additional information, or a continuation of requested information.

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of a claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Published book manufactured in the United States of America (Class A).

Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America (Classes A-B).

Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law) (Classes A-B).

Form B—Periodical manufactured in the United States of America (Class B).

Form BB—Contribution to a periodical manufactured in the United States of America (Class B).

Form C—Lecture or similar production prepared for oral delivery (Class C).

Form D—Dramatic or dramatico-musical composition (Class D).

Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was published in the United States of America (Class E).

Form E-Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America (Class E).

Form F—Map (Class F).

Form G—Work of art or a model or design for a work of art (Class G).

Form H—Reproduction of a work of art (Class H).

Form I—Drawing or plastic work of a scientific or technical character (Class I).

Form J—Photograph (Class J).

Form K—Print or pictorial illustration (Class K).

Form KK—Print or label used for an article of merchandise (Class K).

Form L-M—Motion picture (Classes L-M).

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

§ 202.4 Books (Class A).

(a) *Subject matter and forms.* This class includes such published works as fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, as books, either bound or in loose-leaf form, pamphlets, leaflets, cards, single pages or the like. Applications for registration of claims to copyright in published books manufactured in the United States of America are made on Form A; in books manufactured outside of the United States of America, except those subject to ad interim provisions of the copyright law, on Form A-B Foreign; and in books in the English language manufactured and first published outside the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim.

(b) *Ad interim registrations.* (1) An American edition of an English-language book or periodical identical in substance to that first published abroad will not be registered unless an ad interim registration is first made.

(2) When a book or periodical has been registered under the ad interim provisions, an American edition of the same work, to be registrable, must be manufactured and published in the United States within five years after the date of first publication abroad.

(3) Since by law ad interim copyright expires at the end of the ad interim term unless an American edition is published during that term, a renewal application covering a work registered only under the ad interim provisions will be rejected. Where both an ad interim and an American edition have been registered, the registrability of the renewal application is governed by the date of the first publication abroad.

§ 202.5 Periodicals (Class B).

This class includes such works as newspapers, magazines, reviews, bulletins, and serial publications, published at intervals of less than a year. Applications for registration of claims to copyright in published periodicals manufactured in the United States of America are made on Form B; in periodicals, or in contributions thereto, manufactured outside the United States of America, except those subject to the ad interim provision of the copyright law, on Form A-B Foreign; and in periodicals, or in contributions thereto, in the English language manufactured and first published outside of the United States of America, and subject to the ad

interim provisions of the copyright law, on Form A-B Ad Interim. Applications for registration of claims to copyright in contributions to periodicals manufactured in the United States of America are made on Form BB. Applications for registration of claims to copyright in contributions to periodicals, which contributions are prints published in connection with the sale or advertisement of an article or articles of merchandise, are made on Form KK.

§ 202.6 *Lectures or similar productions prepared for oral delivery (Class C).*

This class includes the scripts of unpublished works prepared in the first instance for oral delivery, such as lectures, sermons, addresses, monologs, panel discussions, and variety programs prepared for radio or television. The script submitted for registration in Class C should consist of the actual text of the works to be presented orally. Formats, outlines, brochures, synopses, or general descriptions of radio and television programs are not registrable in unpublished form. When published with notice as prescribed by law, such works may be considered for registration as "books" in Class A.

§ 202.7 *Dramatic and dramatico-musical compositions (Class D).*

This class includes published or unpublished works dramatic in character such as the acting version of plays for the stage, motion pictures, radio, television and the like, operas, operettas, musical comedies and similar productions, and pantomimes. Choreographic works of a dramatic character, whether the story or theme be expressed by music and action combined or by actions alone, are subject to registration in Class D. However, descriptions of dance steps and other physical gestures, including ballroom and social dances or choreographic works which do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration in Class D.

§ 202.8 *Musical compositions (Class E).*

(a) This class includes published or unpublished musical compositions in the form of visible notation (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations or arrangements, and editing when such editing is the writing of an author. The words of a song, when unaccompanied by music, are not registrable in Class E.

(b) A phonograph record or other sound recording is not considered a "copy" of the compositions recorded on it, and is not acceptable for copyright registration. Likewise, the Copyright Office does not register claims to exclusive rights in mechanical recordings themselves, or in the performances they reproduce.

§ 202.9 Maps (Class F).

This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

§ 202.10 Works of art (Class G).

(a) *General.* This class includes published or unpublished works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as works belonging to the fine arts, such as paintings, drawings and sculpture.

(b) In order to be acceptable as a work of art, the work must embody some creative authorship in its delineation or form. The registrability of a work of art is not affected by the intention of the author as to the use of the work, the number of copies reproduced, or the fact that it appears on a textile material or textile product. The potential availability of protection under the design patent law will not affect the registrability of a work of art, but a copyright claim in a patented design or in the drawings or photographs in a patent application will not be registered after the patent has been issued.

(c) If the sole intrinsic function of an article is its utility, the fact that the article is unique and attractively shaped will not qualify it as a work of art. However, if the shape of a utilitarian article incorporates features, such as artistic sculpture, carving, or pictorial representation, which can be identified separately and are capable of existing independently as a work of art, such features will be eligible for registration.

§ 202.11 Reproductions of works of art (Class H).

This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photo-engraving, etching or drawing of a painting, sculpture or other work of art.

§ 202.12 *Drawings or plastic works of a scientific or technical character (Class I).*

(a) This class includes published or unpublished two-dimensional drawings and three-dimensional plastic works which have been designed for a scientific or technical use and which contain copyrightable graphic, pictorial, or sculptured material. Works registrable in Class I include diagrams or models illustrating scientific or technical works or formulating scientific or technical information in linear or plastic form, such as, for example: a mechanical drawing, an astronomical chart, an architect's blueprint, an anatomical model, or an engineering diagram.

(b) A work is not eligible for registration as a "plastic" work in Class I merely because it is formed from one of the commonly known synthetic chemical derivatives such as styrenes, vinyl compounds, or acrylic resins. The term "plastic work" as used in this context refers to a three-dimensional work giving the effect of that which is molded or sculptured. Examples of such works include statues of animals or plants used for scientific or educational purposes, and engineers' scale models.

(c) A claim to copyright in a scientific or technical drawing, otherwise registrable in Class I, will not be refused registration solely by reason of the fact that it is known to form a part of a pending patent application. Where the patent has been issued, however, the claim to copyright in the drawing will be denied copyright registration.

§ 202.13 *Photographs (Class J).*

This class includes published or unpublished photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K on Form K.

§ 202.14 *Prints, pictorial illustrations and commercial prints or labels (Class K).*

(a) This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works when published are registered on Form K.

(b) A print or label, not a trademark, containing copyrightable pictorial matter, text, or both, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK. In the case of a print

which is published in a periodical, use Form KK if the print is used in connection with the sale or advertisement of an article of merchandise, Form BB if it is not. Multipage works are more appropriately classified in Class A than in Class K.

(c) A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copy-rightable matter. While the Copyright Office will not investigate whether the matter has been or can be registered at the Patent Office, it will register a properly filed copyright claim in a print or label that contains the requisite qualifications for copyright even though there is a trademark on it. However, registration of a claim to copyright does not give the claimant rights available by trademark registrations at the Patent Office.

§ 202.15 Motion pictures (Classes L–M).

A single application Form L–M is available for registration of works in Classes L (Motion-picture photoplays) and M (Motion pictures other than photoplays).

(a) *Photoplays (Class L)*. This class includes published or unpublished motion pictures that are dramatic in character and tell a connected story, such as feature films, filmed television plays, short subjects and animated cartoons having a plot.

(b) *Other than photoplays (Class M)*. This class includes published or unpublished nondramatic films such as newsreels, travelogs, training or promotional films, nature studies, and filmed television programs having no plot.

§ 202.16 Deposit of photographs or other identifying reproductions in lieu of copies.

(a) *Availability of option*. In the case of a published work which is reproduced in copies for sale, classified in Classes (g), (h), (i), and (k) of section 5, title 17, U.S. Code, copies of which are considered by the Register of Copyrights to be impracticable of deposit because of their size, weight, fragility, or monetary value, photographs or other identifying reproductions may be deposited in lieu of copies as provided by section 13, title 17, U.S. Code. The deposit of such photographs or reproductions shall be made in accordance with the following criteria:

(1) The number of sets of photographs or of reproductions to be submitted shall be the same as the number of copies provided by said section 13; duplicate sets shall be deposited unless the work is by a foreign author and has been published in a foreign

country. Each set shall consist of as many photographs or reproductions in black and white, or in color, as are necessary to identify the work.

(2) All photographs or reproductions shall be of equal size, not less than 5 x 7 inches, and not exceeding 9 x 12 inches, but preferably 8 x 10 inches. The image of the work shown in all photographs or reproductions shall either be lifesize or larger, or if less than lifesize shall be at least 4 inches in its greatest dimension. The exact measurement of at least one dimension of the work shall be indicated on at least one corresponding photograph or reproduction in each set.

(3) The copyright notice and its position on the work must be clearly shown on at least one corresponding photograph or reproduction in each set. If, because of the size or location of the copyright notice, a photographic reproduction cannot be prepared, a drawing may be included in each set, of the same size as the photographs or reproductions, showing the exact appearance of the notice, its dimensions, and its specific position on the work.

(4) The title of the work shall appear on the front or back of each photograph or reproduction.

(5) A copy shall be considered to be impracticable of deposit if, because of its size, weight, fragility or monetary value, it is unsuited to the filing procedures of the Copyright Office.

(b) *Exceptions.* The provisions of this section, permitting the deposit of photographs in lieu of copies in certain cases, shall not apply to fine prints and two-dimensional art reproductions. The Register of Copyrights reserves the right in any other particular case to require as a condition precedent to registration, the deposit of copies of the work as published.

§ 202.17 Renewals.

(a) Claims to renewal copyright must be registered within the last (28th) year of the original copyright term. The original term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(b) Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants

specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

§ 202.18 *Notices of use.*

Notices of use of copyrighted musical compositions on mechanical instruments, required by section 1(e) of title 17, U.S. Code, will be recorded upon receipt of a properly executed Form U and upon payment of the prescribed fees. Notices of intention to use will be received pursuant to section 101(e) of title 17, U.S. Code; no special form is provided therefor.

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*General
Information
on
Copyright*



*Copyright Office
Washington, D.C.*

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*General
Information
on
Copyright*

WHAT IS A COPYRIGHT

A copyright is a form of protection given by the law of the United States (Title 17, U.S. Code) to the authors of literary, dramatic, musical, artistic, and other intellectual works. The owner of a copyright is granted by law certain exclusive rights in his work such as:

- the right to print, reprint and copy the work.
- the right to sell or distribute copies of the work.
- the right to transform or revise the work by means of dramatization, translation, musical arrangement, or the like.
- the right to perform and record the work.

The rights granted by the copyright law are not unlimited in scope. For example, in the case of musical compositions, the performance right is limited to public performances for profit. Recording rights in musical works are limited by the so-called "compulsory license" provision, which permits recordings upon payment of certain royalties after the initial recording has been authorized by the copyright owner.

WHO CAN CLAIM COPYRIGHT

Only the author or those deriving their rights through him can rightfully claim copyright. Mere ownership of a manuscript, painting, or other copy does not necessarily give the owner the right to copyright. In the case of works made for hire, it is the employer, and not the employee, who is regarded as the author.

There is no provision for securing a blanket copyright to cover all the works of a particular author. Each work must be copyrighted separately if protection is desired.

WHAT CAN BE COPYRIGHTED

The copyright law (Title 17, U.S. Code) lists 13 broad classes of works in which copyright may be claimed, with the provision that these are not to limit the subject matter of copyright. Within the classes are the following kinds of works:

Books (Class A). Published works of fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, that appear as a book, pamphlet, leaflet, card, single page, or the like.

Periodicals (Class B). Publications, such as newspapers, magazines, reviews, newsletters, bulletins, and serial publications, that appear under a single title at intervals of less than a year. Also contributions to periodicals, such as stories, cartoons, or columns published in magazines or newspapers.

Lectures or similar productions prepared for oral delivery (Class C). Unpublished works such as lectures, sermons, addresses, monologs, recording scripts, and certain forms of television and radio scripts.

Dramatic and dramatico-musical compositions (Class D). Published or unpublished dramatic works such as the acting versions of plays for the stage, for filming, radio, television, and the like, as well as pantomimes, ballets, operas, operettas, etc.

Musical compositions (Class E). Published or unpublished musical compositions (other than dramatico-musical compositions) in the form of visible notation, with or without words. Also new versions of musical compositions, such as adaptations, arrangements, and editing when it represents original authorship. The words of a song, unaccompanied by music, are not registrable in Class E.

Maps (Class F). Published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps, and such three-dimensional works as globes and relief models.

Works of art; or models or designs for works of art (Class G). Published or unpublished works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as works belonging to the fine arts, such as paintings, drawings, and sculpture.

Reproductions of works of art (Class H). Published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching, or drawing of a painting, sculpture, or other work of art.

Drawings or sculptural works of a scientific or technical character (Class I). Published or unpublished diagrams or models illustrating scientific or technical works, such as an architect's or an engineer's blueprint, plan, or design, a mechanical drawing, an astronomical chart, or an anatomical model.

Photographs (Class J). Published or unpublished photographic prints and filmstrips, slide films, and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K.

Prints, pictorial illustrations, and commercial prints or labels (Class K). Published prints or pictorial illustrations, greeting cards, picture postcards, and similar prints, produced by means of lithography, photoengraving, or other methods of reproduction. A print or label, not a trademark, published in connection with the sale or advertisement of articles of merchandise also is registered in this class.

Motion-picture photoplays (Class L). Published or unpublished motion pictures that are dramatic in character, such as feature films, filmed or recorded television plays, short subjects and animated cartoons, musical plays, and similar productions having a plot.

Motion pictures other than photoplays (Class M). Published or unpublished non-dramatic motion pictures, such as newsreels, travelogs, training or promotional films, nature studies, and filmed or recorded television programs having no plot.

WHAT CANNOT BE COPYRIGHTED

Even though a work does not fit conveniently into one of the 13 classes, this does not necessarily mean that it is uncopyrightable. However, there are several categories of material which are generally not eligible for statutory copyright protection. These include among others:

- Titles, names, short phrases and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, plans, methods, systems, or devices, as distinguished from a description or illustration.
- Sound recordings, and the performances recorded on them.
- Works that are designed for recording information and do not in themselves convey information, such as time cards, graph paper, account books, diaries, bank checks, score cards, address books, report forms, and the like.
- Works consisting entirely of information that is common property and containing no original authorship. For example: standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

UNPUBLISHED WORKS

An unpublished work is generally one for which copies have not been sold, placed on sale, or made available to the public. Unpublished works are eligible for one or the other of two types of protection:

Common Law Literary Property. This type of protection against unauthorized use of an unpublished work is a matter of state law, and arises automatically when the work is created. It requires no action in the Copyright Office. It may last as long as the work is unpublished, but it ends when the work is published or copyright is secured.

Statutory Copyright. This is the protection afforded by the federal law upon compliance with certain requirements. Only the following types of work can be registered for statutory copyright before they have been published: Musi-

cal compositions, dramas, works of art, drawings and sculptural works of a scientific or technical character, photographs, motion pictures, and works prepared for oral delivery. There is no requirement that any of these works be registered for statutory copyright in unpublished form, but there may be advantages in doing so. If they are registered in their unpublished form, the law requires that another registration be made after publication with the copyright notice affixed to the copies (see page 7).

The following types of material cannot be registered for statutory protection in unpublished form: Books (including short stories, poems and narrative outlines), prints, maps, reproductions of works of art, periodicals, and commercial prints and labels. These works secure statutory copyright by the act of publication with notice of copyright.

COPYRIGHT PROCEDURE FOR AN UNPUBLISHED WORK

Statutory copyright for unpublished works is secured by registering a claim in the Copyright Office. For this purpose it is necessary to forward the following material:

Application Form. The appropriate form may be ordered from the Copyright Office from the list printed on pages 9 and 10. Forms are supplied without charge.

Copy. In the case of manuscripts of music, dramas, lectures, etc., one complete copy should accompany the application. It will be retained by the Copyright Office. For photographs, deposit one photographic print. Special requirements concerning motion pictures, and certain graphic and artistic works, are stated on the application forms.

Fee. The registration fee for unpublished works is \$6. See pages 10 and 11 for mailing instructions.

PUBLISHED WORKS

Published works are works that have been made available to the public in some way, usually by the sale or public distribution of copies. The copyright law defines the "date of publication" as "the earliest date when copies of the first authorized

edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, . . .”

No specific number of copies or method of distribution is required for a general publication. However, it is sometimes difficult to determine the dividing line between a general publication and a limited distribution (such as sending copies to agents, publishers, or some other limited group for a specific purpose). If you are in doubt about publication in a particular case, it may be advisable to consult an attorney.

The rights in a work will be permanently lost unless all published copies bear a notice of copyright in the form and position described on pages 7 and 8. When a work has been published without notice of copyright it falls into the public domain and becomes public property. After that happens it serves no purpose to add the notice to copies of the work, and doing so may be illegal.

In the case of works that cannot be registered in advance of publication, it is the act of publication with notice of copyright, rather than registration in the Copyright Office, that secures statutory copyright. While the Copyright Office registers claims to copyright, it does not grant copyright protection.

COPYRIGHT PROCEDURE FOR PUBLISHED WORKS


Three steps should be taken to secure and maintain statutory copyright in a published work:

- ***Produce copies with copyright notice.*** Produce the work in copies by printing or other means of reproduction. It is essential that all copies bear a copyright notice in the required form and position (see pages 7 and 8).
- ***Publish the work.***
- ***Register your claim in the Copyright Office.*** Promptly after publication, you should forward the following material:
 - APPLICATION FORM. The appropriate form may be requested from the Copyright Office from the list printed on pages 9 and 10.

COPIES. Send two copies of the best edition of the work as published.

FEE. The registration fee for published works is \$6.

See pages 10 and 11 for mailing instructions.

 NOTE: The law requires that, after a work is published with the prescribed notice, two copies "shall be promptly deposited," accompanied by a claim of copyright and a fee.

THE COPYRIGHT NOTICE

Form of the Notice. As a general rule, the copyright notice should consist of three elements:

- The word "Copyright," the abbreviation "Copr.," or the symbol ©. Use of the symbol © may have advantages in securing copyright in countries that are members of the Universal Copyright Convention.
- The name of the copyright owner (or owners).
- The year date of publication. This is ordinarily the year in which copies are first placed on sale, sold, or publicly distributed by the copyright owner or under his authority. However, if the work has previously been registered for copyright in unpublished form, the notice should contain the year date of registration for the unpublished version. Or, if there is new copyrightable matter in the published version, it is advisable to include both the year date of the unpublished registration and the year date of publication.

These three elements should appear together on the copies. For example:

© John Doe 1968

Optional Form of Notice. A special form of the notice is permissible for works registrable in Classes F through K (maps; works of art, models or designs for works of art; reproductions of works of art; drawings or sculptural works of a scientific or technical character; photographs; prints and pictorial illustrations; and prints or labels used for articles of merchandise). This special notice may consist of the symbol ©, accompanied by the initials, monogram, mark, or symbol of the copyright owner, if the owner's name appears upon some accessible portion of the copies. A detachable tag bearing a copyright notice is not acceptable as a substitute for a notice permanently affixed to the copies.

Position of the Notice. For a book or other publication printed in book form, the copyright notice should appear upon the title page or the page immediately following. The "page

immediately following" is normally the reverse side of the page bearing the title. For a periodical, the notice should appear upon the title page, upon the first page of text, or under the title heading. For a musical composition, the notice may appear either upon the title page or upon the first page of music.

Notice for Unpublished Works. The law does not specify a notice for unpublished works. However, to avoid the danger of inadvertent publication without notice, it may be advisable for an author to affix notices to any copies that leave his control.

HOW LONG DOES COPYRIGHT PROTECTION LAST

The first term of statutory copyright runs for 28 years. The term begins on the date the work is published with the notice of copyright, or, in the case of unpublished works registered in the Copyright Office, on the date of registration. A copyright may be renewed for a second term of 28 years if an acceptable renewal application and fee are received in the Copyright Office during the last year of the original term of copyright, which is measured from the exact date on which the original copyright began. For information concerning renewals, request Circular 15. Certain second-term copyrights, about to expire, have been extended until December 31, 1968.

INTERNATIONAL COPYRIGHT PROTECTION

If a work is by an author who is neither a citizen nor a domiciliary of the United States and the work is first published outside the United States, special conditions determine whether or not the work can be protected by U.S. copyright. Specific questions on this subject, and questions about securing protection for U.S. works in foreign countries, should be addressed to the Register of Copyrights, Library of Congress, Washington, D.C. 20540.

For general information regarding international copyright matters, request Circular 38 from our office. We also furnish on request the following current lists showing the copyright relations of various countries:

Circular 38A—International Copyright Relations

Circular 38B—Berne Union Member Countries

Circular 38C—Universal Copyright Convention—Accessions and Ratifications

For information about the requirements and protection provided by other countries, it may be advisable to consult an expert familiar with foreign copyright laws. The U.S. Copyright Office is not permitted to recommend agents or attorneys or to give legal advice or information on foreign laws.

TRANSFER OR ASSIGNMENT OF STATUTORY COPYRIGHT

A copyright may be transferred or assigned by an instrument in writing, signed by the owner of the copyright. The law provides for the recordation in the Copyright Office of transfers of copyright. The original signed instrument should be submitted for the purpose of recording. It will be returned following recordation. For effective protection, an assignment executed in the United States should be recorded within 3 months from the date of execution. Assignments executed abroad should be recorded with 6 months. For information about assignments and related documents, request Circular 10.

APPLICATION FORMS

The following forms are provided by the Copyright Office, and may be obtained free of charge upon request:

*CLASS A FORM A: Published book manufactured in the United States of America.

*CLASS A
OR B { FORM A-B FOREIGN: Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law of the United States of America; see Form A-B Ad Interim).

{ FORM A-B AD INTERIM: Book or periodical in the English language manufactured and first published outside the United States of America and subject to the ad interim provisions of the copyright law of the United States of America.

*CLASS B { FORM B: Periodical manufactured in the United States of America.
{ FORM BB: Contribution to a periodical manufactured in the United States of America.

CLASS C FORM C: Lecture or similar production prepared for oral delivery.

CLASS D FORM D: Dramatic or dramatico-musical composition.

CLASS E { FORM E: Musical composition by an author who is a citizen or domiciliary of the United States of America or which is first published in the United States of America.
FORM E FOREIGN: Musical composition by an author who is not a citizen or domiciliary of the United States of America and which is not first published in the United States of America.

*CLASS F FORM F: Map.

CLASS G FORM G: Work of art; model or design for work of art.

*CLASS H FORM H: Reproduction of a work of art.

CLASS I FORM I: Drawing or plastic work of a scientific or technical character.

CLASS J FORM J: Photograph.

*CLASS K { FORM K: Print or pictorial illustration.
FORM KK: Print or label used for article of merchandise.

CLASS L } FORM L-M: Motion picture.
OR M }

FORM R: Renewal copyright.

FORM U: Notice of use of musical composition on mechanical instruments.

*Not to be used for unpublished material (see pages 4 and 5).

MAILING INSTRUCTIONS

Address. All communications should be addressed to the Register of Copyrights, Library of Congress, Washington, D.C. 20540.

Fees. Do not send cash. Fees sent to the Copyright Office should be in the form of a money order, check, or bank draft, payable to the **Register of Copyrights**.

Mailing. Processing of the material will be more prompt if the application, copies, and fee are all mailed at the same time and in the same package.

AVAILABLE INFORMATION

This circular attempts to answer some of the questions that are frequently asked about copyright. For a list of other material published by the Copyright Office, write for "Publications of the Copyright Office." Any requests for Copyright Office publications or special questions relating to copyright problems not dealt with in this circular should be addressed to the Register of Copyrights, Library of Congress, Washington, D.C. 20540.

The Copyright Office cannot give legal advice. If you need information or guidance on matters such as disputes over the ownership of a copyright, getting a work published, obtaining royalty payments, or prosecuting possible infringers, it may be necessary to consult an attorney.

A pamphlet edition of (Bulletin 14) "The Copyright Law of the United States of America" with the Regulations of the Copyright Office, is available for \$0.35 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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